

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

WAYDE LYNN KURT,

Defendant.

Case No. **CR-10-0114-WFN-1****CRIMINAL MINUTES****DATE: OCTOBER 19, 2011****LOCATION: SPOKANE****JURY TRIAL-DAY 3**

Hon. Wm. Fremming Nielsen			
Joanna L. Knutson	Brian T. Quirk	N/A	Debra Kinney Clark
Courtroom Deputy	Law Clerk	Interpreter	Court Reporter
Earl A. Hicks and Stephanie A. Van Marter		Richard D. Wall	
Plaintiff's Counsel		Defense Counsel	

☒ **Open Court**☐ **Chambers**☐ **Telecon**

Defendant present in custody of United States Marshal with retained counsel. Court convenes, off the record, in open court with counsel and Defendant present but outside the presence of the jury. Court conducts informal conference regarding the Court's proposed final set of Jury Instructions.

Recess: 8:21 a.m. to 8:31 a.m.

Court convenes, on the record, in open court with counsel, Defendant and jury present. Cross resumed of sworn Government witness **David Johnathon Udseth** (admitted Government Exhibit 24 discussed with witness), redirect by Mr. Hicks (admitted Government Exhibit 1b discussed with witness), recross, witness excused. Testimony presented by sworn Government witnesses **Richard Lee Watson**, direct by Mr. Hicks (Government Exhibits 14 and 15 ADMITTED and discussed with witness), no cross, witness excused; **Bradley Walter Linn**, direct by Mr. Hicks (Government admitted Exhibits 14 and 15 discussed with witness), no cross, witness excused. Ms. Van Marter advised the Government has three more witnesses in their case-in-chief.

Recess: 9:50 a.m. to 10:10 a.m.

Testimony presented by sworn Government witnesses **Mark Dean**, direct by Ms. Van Marter (Government Exhibits 5 (admitted for foundation), 5a [ADMITTED], previously admitted 5b, 5c, 5d-5g-5h [ALL ADMITTED] all discussed with witness), cross, no redirect, witness excused; **Katherine F. McLaughlin**, direct by Ms. Van Marter (Government Exhibits 11, 12, 22 [all ADMITTED] and 14 all discussed with witness, cross, no redirect, witness excused; **Joseph Michael Cleary**, direct by Ms. Van Marter (admitted Government Exhibits 7, 23, 8 and 9 discussed with witness).

Recess: 11:37 a.m. to 12:46 p.m.

Direct resumed by Ms. Van Marter of **Joseph Michael Cleary** (admitted Government Exhibits 2b, 3b, 22, 21 discussed with witness), cross, redirect by Ms. Van Marter, no recross, witness excused; **Michael L. Northcutt**, direct by Ms. Van Marter (admitted Government Exhibits 17, 20, 19, 18, 16 and 21 discussed with witness), no cross, witness excused. Court read the parties' Stipulation to the jury re: all firearms were operable and functioned as firearms as they were designed. Government requested the afternoon recess be taken at this time.

Recess: 2:12 p.m. to 2:29 p.m.

CONVENED: 8:00 A.M.	ADJOURNED: 4:20 P.M.	TIME: 6:20 HR.	CALENDARED [X]
----------------------------	-----------------------------	-----------------------	-------------------------

United States -vs- Wayde Lynn Kurt
CR-10-0114-WFN-1
October 19, 2011

Jury Trial--Day 3
Page 2

Ms. Van Marter recalled witness **Michael L. Northcutt** for clarification on Exhibit 18, no cross, witness excused. Ms. Van Marter advised that the Government rests.

Defense begins case-in-chief. Testimony presented by sworn defense witnesses **Patrick Lance Pounder**, direct, cross by Mr. Hicks, redirect, no recross, witness excused; **Anthony Johnson**, direct; voir dire of witness by Ms. Van Marter--Government objected to any testimony by this witness to which the Court RESERVED RULING; direct resumed (Defendant's Exhibit 106 discussed with witness--Court DENIED admission), cross by Ms. Van Marter, clarification questions of witness by Court, redirect, recross. Government renewed its objection to Mr. Johnson's testimony; Court OVERRULED the objection for the reasons stated on the record; witness excused.

Recess: 4:06 a.m. to 4:10 p.m.

Testimony presented by sworn defense witness **Melonie Howells**, direct, cross by Ms. Van Marter, no redirect, witness excused.

Court recesses trial for the day and admonishes the jury until 8:30 a.m. tomorrow.